

DIVISION III

NOT DESIGNATED FOR PUBLICATION

ARKANSAS COURT OF APPEALS

SAM BIRD, Judge

CA05-1128

November 8, 2006

WILMA LEE, Administratrix of the Estate
of Indianna Barnes, Deceased

APPELLANT

V.

MARK MARTINDALE, M.D.; SALINE
MEDICAL GROUP, P.A.; GORDON
SCHALLY, M.D.; and RADIOLOGY
ASSOCIATES

APPELLEES

APPEAL FROM THE SALINE COUNTY
CIRCUIT COURT

[NO. CV2004-334-2]

HON. GRISHAM A. PHILLIPS,
JUDGE

DISMISSED

Appellant's decedent, Ms. Indianna Barnes, died in 2000 while she was a patient at Saline Memorial Hospital. Appellant subsequently asserted claims for wrongful death, medical malpractice, and negligence against the following defendants: appellee Dr. Mark Martindale; Saline Medical Group, P.A., Martindale's professional association; appellee Dr. Gordon Schally; appellee Radiology Associates, Schally's employer; Quorum Health Resources, which provided management services to the hospital; and over 100 John Doe defendants. Summary judgment was first granted in favor of Quorum and, in April 2005, appellant obtained an Ark. R. Civ. P. 54(b) certificate allowing her to appeal that ruling. The Quorum summary judgment is the subject of a separate appeal, and we have handed down

a decision in that matter today. *Lee v. Quorum Health Resources*, CA05-926 (Nov. 8, 2006) (not designated for publication).

Appellant's claims against the other defendants were still pending at the time she obtained her Rule 54(b) certificate and appealed the Quorum summary judgment. However, a few months later, on June 17, 2005, the trial court granted summary judgment to Martindale, Schally, and Radiology Associates. The present appeal is brought from that ruling, but we must dismiss the appeal for lack of a final order.

The question of whether an order is final and subject to appeal is a jurisdictional question, which the appellate court will raise on its own even if the parties do not. *Strack v. Capital Servs. Group, Inc.*, 87 Ark. App. 202, 189 S.W.3d 484 (2004). Our review of the record reveals that, although appellant has appealed from a summary judgment in favor of several defendants, no order has been entered disposing of her claim against Saline Medical Group, P.A., or the John Doe defendants, and no Rule 54(b) certificate has been executed regarding the summary judgments entered in this appeal. If an order does not resolve all claims against all parties, including John Doe defendants, or contain a Rule 54(b) certificate, it is not a final, appealable order. *See Jones v. Huckabee*, 363 Ark. 239, ___ S.W.3d ___ (Sept. 15, 2005); *Moses v. Hanna's Candle Co.*, 353 Ark. 101, 110 S.W.3d 725 (2003); *Shackelford v. Ark. Power & Light Co.*, 334 Ark. 634, 976 S.W.2d 950 (1998).

We therefore dismiss appellant's appeal without prejudice to re-file upon entry of an order that complies with Rule 54(b). We also take this opportunity to remind counsel that

Rule 4-2(a)(8) of the Rules of the Supreme Court and Court of Appeals requires inclusion in the Addendum of relevant pleadings, documents, or exhibits essential to an understanding of the case and our jurisdiction on appeal. In this appeal, a proper Addendum would include, in addition to the order appealed from and notice of appeal, appellant's complaints, the opposing parties' summary-judgment motions, her responses thereto, and all relevant exhibits, including certain medical records that appear to be crucial to appellant's arguments. Should appellant choose to re-file her appeal, we suggest that she examine her current Addendum and remedy any deficiencies.

Dismissed.

GLADWIN and ROAF, JJ., agree.